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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,685	10/08/2003	Ping Yang	50821/FLC/Y64	7715

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EXAMINER	
POND, ROBERT M	

ART UNIT	PAPER NUMBER
3625	

MAIL DATE	DELIVERY MODE
05/13/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/681,685	YANG, PING	
	Examiner	Art Unit	
	Robert M. Pond	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10/08/03;12/06/05* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/06/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 12-16 and 27-31 are rejected under 35 USC 103(a) as being unpatentable over Moreno (IDS entered 06 December 2005, US 6,882,269) in view of Boyce (IDS entered 06 December 2005, US 6,459,986).**

Moreno teaches modern consumers being challenged by busy work and social schedules and often do not have the time or opportunity to arrange for the personal delivery or pickup of items at times convenient to both the merchant and the customer. Moreno teaches various types of storage lockers with various access mechanisms for security used to ship and/or store goods ordered by modern consumers engaged in electronic commerce. Such mobile lockers (e.g.

shipping container or U-Haul vehicle/trailer) are capable of being transported to a designated address for subsequent on-site storage of goods (see at least col. 4, lines 28-59; col. 22, lines 41-45). Moreno teaches an embodiment wherein a user ships a good via a mobile locker (note: applies to other mobile lockers taught by Moreno) based on a request from a user including destination information. Moreno teaches an embodiment wherein a consumer has hot food (e.g. pizza) prepared and delivered to a pre-heated locker, the pre-heated locker at a location acceptable by the consumer. See a least col. 4, line 66-col. 5, line 10; col. 20, line 46-col. 22, line 2; Figs. 7A-R. Given the finite number of embodiments taught by Moreno, it would have been obvious to try by one of ordinary skill in the art at time the invention was made to deliver prepared food (e.g. pizza) in a pre-heated mobile locker to a user selected destination, the user being a consumer or the order taker (e.g. business providing the meal) and incorporate it into the system of Moreno since there are a finite number of identified, predictable potential solutions to the recognized need and one of ordinary skill in the art could have pursued the known potential solutions with a reasonable expectation of success. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. vs. Teleflex Inc.* Moreno further teaches and suggests:

- Regarding claim 12. Moreno teaches and suggest all the above as noted under the 103(a) rejection and teaches and suggest i) mobile locker locations may be located at any location desired, ii) delivering a prepared meal in a pre-heated mobile locker to a location specified by a consumer

or order taker (e.g. business providing the meal), iii) providing the user with delivery/pick-up information and iv) efficiently routing deliveries. Although Moreno does not mention *receiving route information from the buyer,* Boyce teaches a routing system and methods used to provide routed information for persons wishing to send parcels based on receiving routing information from the user. See at least abstract; col. 3, lines 5-38; col. 5, lines 47-56; Fig. 4; Fig. 7. One of ordinary skill in the art at time the invention was made would have recognized that applying the known techniques of Boyce of receiving route information from a buyer would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the techniques of Boyce to the teachings of Moreno to use a consumer's route information to have a hot meal delivered in a mobile locker to a location along the buyer's route would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data processing features into similar systems. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. vs. Teleflex Inc.*

Moreno and Boyce further teach and suggest:

- Regarding claim 12. *receiving a channel width from the buyer;* user's maximum traveling distance to a pick-up or delivery point. Boyce: see

at least col. 3, lines 5-47; Fig. 4; Fig. 7. Rejection is based on the disclosures and rationale as noted above.

- Regarding claim 12. *calculating a channel area using the channel width and the route information;* channel area created. See at least col. 3, line 48-col. 4, lines 32; Fig. 5.
- Regarding claim 12. *determining a set of pickup points from the plurality of pickup points based on the channel area;* See at least Figs. 2-8.
- Regarding claim 12. *selecting by the buyer from the set of pickup points a pickup point;* multiple pickup points noted along a route as depicted in Fig 2 as specified by the user.
- Regarding claim 12. *and dispatching a mobile pickup station to the pickup point, the mobile pickup station containing the product for the buyer.* Rejection is based on the rationale as noted above. Moreno teaches and suggest dispatching a mobile locker containing the buyer's product to a pick-up point.

Moreno and Boyce further teach and suggest all the above as noted under the 103(a) rejection and further teach and suggest:

- Regarding claim 13. *the channel width is specified as a distance from a route generated from the route information.* walking distance or driving distance to a pickup point (e.g. walking 0.25 miles or driving 30 miles.

Boyce: see at least col. 5, lines 30-46. Rejection is based on the teachings and rationale as noted above for Moreno and Boyce.

- Regarding claim 14. Inherent in Boyce are the structures necessary to permit the channel width is specified as a buyer preferred traveling time from a route generated from the route information. For example, Boyce teaches increasing walking time, walking distance or driving distance to a pickup point (e.g. walking 0.25 miles or driving 30 miles) can be expressed in time to travel 0.25 miles or driving 30 miles. Boyce: see at least col. 5, lines 30-46. Rejection is based on the rationale as noted above for Moreno and Boyce.
- Regarding claim 15. *the channel width is specified as a traveling distance along roadways from a route generated from the route information.* walking distance or driving distance to a pickup point (e.g. walking 0.25 miles or driving 30 miles). Boyce: see at least col. 5, lines 30-46. Rejection is based on the rationale as noted above for Moreno and Boyce.
- Regarding claim 16. *the route information includes a plurality of landmarks*, airport, a business, transit terminal (note: landmarks). Moreno: see at least col. 5, lines 5-10. *the method further comprising generating a shortest travel time route between the landmarks.* calculations determine shortest/best paths else determined to be

unsuitable. Boyce: see at least col. 3, line 39-col. 4, lines 10. Rejection is based on the rationale as noted above for Moreno and Boyce.

3. **Claims 1-11 and 17-26 are rejected under 35 USC 103(a) as being unpatentable over Moreno (IDS entered 06 December 2005, US 6,882,269) in view of Boyce (IDS entered 06 December 2005, US 6,459,986) further in view of Carlin (US 5,285,604).**

Moreno teaches modern consumers being challenged by busy work and social schedules and often do not have the time or opportunity to arrange for the personal delivery or pickup of items at times convenient to both the merchant and the customer. Moreno teaches various types of storage lockers with various access mechanisms for security used to ship and/or store goods ordered by modern consumers engaged in electronic commerce. Such mobile lockers (e.g. shipping container or U-Haul vehicle/trailer) are capable of being transported to a designated address for subsequent on-site storage of goods (see at least col. 4, lines 28-59; col. 22, lines 41-45). Moreno teaches an embodiment wherein a user ships a good via a mobile locker (note: applies to other mobile lockers taught by Moreno) based on a request from a user including destination information. Moreno teaches an embodiment wherein a consumer has hot food (e.g. pizza) prepared and delivered to a pre-heated locker, the pre-heated locker at a location acceptable by the consumer. See a least col. 4, line 66-col. 5, line 10; col. 20, line 46-col. 22, line 2; Figs. 7A-R. Given the finite number of embodiments taught by Moreno, it would have been obvious to try by one of ordinary skill in the art at

time the invention was made to deliver prepared food (e.g. pizza) in a pre-heated mobile locker to a user selected destination, the user being a consumer or the order taker (e.g. business providing the meal) and incorporate it into the system of Moreno since there are a finite number of identified, predictable potential solutions to the recognized need and one of ordinary skill in the art could have pursued the known potential solutions with a reasonable expectation of success. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. vs. Teleflex Inc.*

Moreno teaches and suggest all the above as noted under the 103(a) rejection and teaches and suggest i) mobile locker locations may be located at any location desired, ii) delivering a prepared meal in a pre-heated mobile locker to a location specified by a consumer or order taker (e.g. business providing the meal), iii) providing the user with delivery/pick-up information and iv) efficiently routing deliveries. Although Moreno does not mention *receiving route information from the buyer,* Boyce teaches a routing system and methods used to provide routed information for persons wishing to send parcels based on receiving routing information from the user. See at least abstract; col. 3, lines 5-38; col. 5, lines 47-56; Fig. 4; Fig. 7. One of ordinary skill in the art at time the invention was made would have recognized that applying the known techniques of Boyce of receiving route information from a buyer would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the techniques of Boyce to the teachings of Moreno to use a consumer's route

information to have a hot meal delivered in a mobile locker to a location along the buyer's route would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data processing features into similar systems. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. vs. Teleflex Inc.*

Moreno and Boyce further teach and suggest:

- *receiving a channel width from the buyer;* user's maximum traveling distance to a pick-up or delivery point. Boyce: see at least col. 3, lines 5-47; Fig. 4; Fig. 7. Rejection is based on the disclosures and rationale as noted above.
- *calculating a channel area using the channel width and the route information;* channel area created. See at least col. 3, line 48-col. 4, lines 32; Fig. 5.
- *determining a set of pickup points from the plurality of pickup points based on the channel area;* See at least Figs. 2-8.
- *selecting by the buyer from the set of pickup points a pickup point;* multiple pickup points noted along a route as depicted in Fig 2 as specified by the user.
- *and dispatching a mobile pickup station to the pickup point, the mobile pickup station containing the product for the buyer.* Rejection is based on the rationale as noted above. Moreno teaches and suggest

dispatching a mobile locker containing the buyer's product to a pick-up point.

Moreno and Boyce further teach and suggest all the above as noted under the 103(a) rejection and further teach and suggest:

- *the channel width is specified as a distance from a route generated from the route information.* walking distance or driving distance to a pickup point (e.g. walking 0.25 miles or driving 30 miles. Boyce: see at least col. 5, lines 30-46. Rejection is based on the teachings and rationale as noted above for Moreno and Boyce.
- Inherent in Boyce are the structures necessary to permit the channel width is specified as a buyer preferred traveling time from a route generated from the route information. For example, Boyce teaches increasing walking time, walking distance or driving distance to a pickup point (e.g. walking 0.25 miles or driving 30 miles) can be expressed in time to travel 0.25 miles or driving 30 miles. Boyce: see at least col. 5, lines 30-46. Rejection is based on the rationale as noted above for Moreno and Boyce.
- *the channel width is specified as a traveling distance along roadways from a route generated from the route information.* walking distance or driving distance to a pickup point (e.g. walking 0.25 miles or driving 30 miles). Boyce: see at least col. 5, lines 30-46. Rejection is based on the rationale as noted above for Moreno and Boyce.

- *the route information includes a plurality of landmarks*, airport, a business, transit terminal (note: landmarks). Moreno: see at least col. 5, lines 5-10. *the method further comprising generating a shortest travel time route between the landmarks.* calculations determine shortest/best paths else determined to be unsuitable. Boyce: see at least col. 3, line 39-col. 4, lines 10. Rejection is based on the rationale as noted above for Moreno and Boyce.

Moreno and Boyce teach and suggest all the above as noted under the 103(a) rejection and further teach and suggest i) dispatching prepared hot food (e.g. pizza) in a mobile locker to a consumer based on consumer routing information, ii) timing information related to delivery/pickup times and iii) vehicles and trailers as types of mobile lockers. Although Moreno and Boyce do not mention *preparing the food at the pickup point*, Carlin teaches a trailer that serves as mobile kitchen to provide point-of-delivery food service and further teaches trailers constructed for fast food chains an other to serve pizza, hamburgers, and chicken for off premises catering and emergency services. See at least abstract; Fig. 1; col. 1, line 5-17. One of ordinary skill in the art at time the invention was made would have recognized that applying the known techniques of Carlin of preparing hot food and pizza at point-of-delivery would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the techniques of Carlin to the teachings of Moreno and Boyce to use a consumer's route information to have a hot meal

prepared in a mobile locker at a location along the buyer's route would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data processing features into similar systems. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. vs. Teleflex Inc.*

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Halliburton, L. N.; "Traveling kitchen four wheel cafe: movable feast for westside catering truck....," Los Angeles Times, 27 Sep 1990, pg38; Proquest #60145693, 5pgs; teaches a mobile restaurant that services the Westside five days a week.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert M. Pond/
Primary Examiner, Art Unit 3625
May 10, 2008